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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,753	11/26/2003	Choon B. Shim	1370.215US1	3938
21186 7590 01/16/2009 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER CERVETTI, DAVID GARCIA	
			ART UNIT 2436	PAPER NUMBER
			MAIL DATE 01/16/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/721,753

**Applicant(s)**

SHIM ET AL.

**Examiner**

David García Cervetti

**Art Unit**

2436

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's arguments filed November 3, 2008, have been fully considered.
2. Claims 1-22 are pending and have been examined.

***Response to Amendment***

3. The rejection of claim 3 under 35 USC § 112, 2<sup>nd</sup> paragraph, is withdrawn.
4. Applicant's arguments with respect to the prior art have been considered but are moot in view of the new ground(s) of rejection.

***Information Disclosure Statement***

5. It is noted that no Information Disclosure Statement has been filed on this Application. Examiner encourages Applicant to file one.

***Claim Objections***

6. Claim 16 is objected to because of the following informalities: "system communications system". Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 9-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 9-20 are directed to an apparatus however the limitations consist of code not tangibly embodied on a hardware element. Claims 21-22 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular

machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The "method including steps of ..." is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**10. Claims 1-2, 6, 9-10, 12-13, 16-17, and 19-22 are rejected under 35**

**U.S.C. 102(e) as being anticipated by Christie, IV (US 7,254,832, hereinafter Christie).**

**Regarding claim 1,** Christie teaches

configuring a first control unit, inside a first firewall (fig.2, 225), the first control unit separate from the first firewall and used to control the network (fig.2, 205);

configuring a proxy server outside the first firewall (fig.2, 255); and

establishing a session between the first control unit and the proxy server, wherein establishing the session is executed using an access key (col.5, lines 15-40, ipsec).

**Regarding claim 9**, Christie teaches

a first enterprise network (fig.2, private network);

a first control unit coupled to the first enterprise network (fig.2, 205);

a first firewall coupled to the first control unit, the first firewall and first control unit being separate (fig.2, 225);

a public network (fig.2, public network); and

a proxy server located outside the first fire wall and implemented within a De-Militarized Zone (DMZ) between the first enterprise network and the public network, the first control unit being configured with proxy server information, the proxy server being configured with first control unit information, the first control unit being further configured to send a first access key to the proxy server, the first control unit and the proxy server configured to establish a communication session based on the first access key, the proxy server to aggregate and store performance data provided by the first control unit (col.5, lines 15-40, ipsec).

**Regarding claim 12**, Christie teaches

a first enterprise network (fig.2, private network);

a first control unit coupled to the first enterprise network (fig.2, 205);

a first firewall coupled to the first control unit, the first firewall and first control unit being separate (fig.2, 225);

a public network (fig.2, public network); and

a proxy server, to aggregate and store performance data provided by the first control unit, that includes at least one of a client request handler, a shared request object pool, or a server request handler, the proxy server being implemented within a De-Militarized Zone (DMZ) between the first enterprise network and the public network (fig.2, 255).

**Regarding claim 16,** Christie teaches

a first console residing within an unprotected public network and configured to generate at least one console request message, the console request message including at least one of a request for network management data, a request for Internet Protocol (IP)-Private Branch Exchange (PBX), or a request for status information (fig.2, 260);

a proxy server coupled to the first console, the proxy server configured to pool the at least one request, and to provide access from at least one console to the first control unit and to aggregate and store performance data provided by the first control unit, the proxy server being implemented within a De-Militarized Zone (DMZ) between a protected network and the unprotected public network (fig.2, 255);

a first firewall coupled to the proxy server (fig.2, 225); and

a first control unit residing within the protected network and coupled to the first firewall, the first control unit configured to receive the at least one request from the proxy server, the first control unit further configured to output at least one response corresponding to the at least one request to the proxy server, the proxy server configured to output the at least one response to the first console (fig.2, 205).

**Regarding claim 21**, Christie teaches

receiving a console request message from a console, the console request message including at least one of a request for network management data, a request for Internet Protocol (IP)-Private Branch Exchange (PBX), or a request for status information (fig.2, col.5, lines 55-67, col.6, lines 1-15, message exchange between 210 and 260 is facilitated via MGC 205 to set pinhole through firewall 225);

creating a request object; adding the request object to a pool; and notifying a control unit of the request object (col.6, lines 1-15, request created by firewall, stored, and acknowledges it to MGC).

**Regarding claim 2**, Christie teaches configuring a second control unit inside a second firewall, the proxy server being outside the second firewall (col.7, 1-67).

**Regarding claim 6**, Christie teaches wherein configuring the proxy server includes: receiving the first control unit identification information; storing the first control unit identification information in the proxy server; adding the first control unit as a first remote device; and exchanging a validation message between the first control unit and the proxy server (col.5, lines 40-65).

**Regarding claim 10**, Christie teaches wherein receiving the proxy server information includes a proxy server host name, a proxy server IP address, and a proxy server port number (col.5, lines 40-65).

**Regarding claim 13**, Christie teaches wherein the proxy server is configured to receive first control unit identification information, store the first control unit identification information in the proxy server, add the first control unit as a first remote device, and

exchange a validation message between the first control unit and the proxy server (col.5, lines 40-65).

**Regarding claim 17**, Christie teaches a second console coupled to the proxy server, the second console configured to generate at least one other request, the proxy server configured to pool the at least one other request (fig.2, 210).

**Regarding claim 19**, Christie teaches wherein the proxy server includes: a client request handler for receiving a client request from the first console; a shared request object pool coupled to the client request handler, the shared request object pool configured to store the at least one request; and a server request handler coupled to the shared request object pool, the server request handler configured to read the at least one request from the shared request object pool, the server request handler configured to send the at least one request to the first control unit, the server request handler configured to receive the at least one response, the server request handler configured to output the at least one response to the first console (col.5, lines 40-65, col.6, lines 1-67).

**Regarding claim 20**, Christie teaches wherein the proxy server includes processor- executable code, the code performing the steps of: receiving a client request from the first console; writing the at least one request; reading the at least one request; sending the at least one request to the first control unit; receiving the at least one response; and outputting the at least one response to the first console (col.5, lines 40-65, col.6, lines 1-67).



**Regarding claim 22**, Christie teaches establishing a data connection with the control unit; receiving a request from the control unit for the request object; sending the request object to the control unit; receiving a response from the control unit based on the request object; and sending the response to the console (col.6, lines 1-45).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**12. Claims 3-5, 7-8, 11, 14-15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christie.**

**Regarding claim 3**, Christie does not expressly disclose, however, Examiner takes Official Notice that configuring the first control unit includes: receiving the proxy server identification information; generating an access key in the first control unit; and sending the access key and first control unit identification information to the proxy server. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to configure a first unit for security purposes as claimed since Examiner takes Official Notice that it was conventional and well known.

**Regarding claim 4**, Christie teaches wherein receiving the proxy server identification information includes receiving a proxy server host name, a proxy server IP address, and a proxy server port number (col.5, lines 40-65).

**Regarding claim 5**, Christie teaches wherein receiving the proxy server identification information includes inquiring the proxy server from the first control unit to obtain the proxy server IP address (col.5, lines 40-65).

**Regarding claim 7**, Christie does not expressly disclose, however, Examiner takes Official Notice that wherein establishing a session between the first control unit and the proxy server includes coupling through a second firewall, the proxy server being inside the second firewall. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to configure a first unit for security purposes as claimed since Examiner takes Official Notice that it was conventional and well known.

**Regarding claim 8**, Christie teaches connecting between the proxy server and a console, the console being inside the second firewall, the connecting using an IP address facing inside the second firewall (col.7, 1-67).

**Regarding claims 11, 14, and 18**, Christie does not expressly disclose, however, Examiner takes Official Notice that a second firewall coupled to the public network; a second control unit coupled to the second firewall; and

a second enterprise network coupled to the second control unit, the second control unit being configured with proxy server information, the proxy server being configured with second control unit information, the second control unit being further configured to send a second access key to the proxy server, the second control unit and the proxy server configured to establish a communication session based on the second access key. Therefore, it would have been obvious to one having ordinary skill in the art

at the time the invention was made to extend the system of Christie to more than one firewall (see Christie, col.7, lines 1-67) since Examiner takes Official Notice that it was conventional and well known.

**Regarding claim 15**, Christie teaches wherein the proxy server is configured to receive second control unit identification information, store the second control unit identification information in the proxy server, add the second control unit as a second remote device, and exchange a validation message between the second control unit and the proxy server (col.5, lines 40-65).

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David García Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David García Cervetti/  
Primary Examiner, Art Unit 2436